



NASA

CHIEF FOIA OFFICER REPORT

Submitted January 2012

Chief FOIA Officer Report

National Aeronautics and Space Administration (NASA)

FY 11

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

Yes

2. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

The majority FOIA Program Staff who are responsible for processing requests attended training.

In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

3. Did your agency make any discretionary releases of otherwise exempt information?

Yes

4. What exemptions would have covered the information that was released as a matter of discretion?

(b)(5)

5. Describe your agency's process to review records to determine whether discretionary releases are possible.

Whether the release of information would cause harm to the Agency; whether or not public interest outweighs any harm caused to the Agency.

6. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

NASA FOIA staff process documents with the presumption of disclosure. NASA staff also updates, posts, communicates with the public on items of interest, initiatives, etc.

In Section V.B.(1) of your agency's Annual FOIA Report, entitled "Disposition of FOIA Requests – All Processed Requests" the first two columns list the "Number of Full Grants" and the "Number of Partial Grants/Partial Denials." Compare your agency's 2011 Annual FOIA Report with last year's Annual FOIA Report, and answer the following questions:

7. Did your agency have an increase in the number of responses where records were released in full?
No
8. Did your agency have an increase in the number of responses where records were released in part?
The number remains the same.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

As the Attorney General emphasized in his FOIA Guidelines, "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

1. Do FOIA professionals within your agency have sufficient IT support?
Yes, the FOIA staff use a web-based tracking system to track all FOIA requests within the Administration. This allows the FOIA staff to track requests from cradle-to-grave as well as providing a collaborative tool to identify similar and duplicative requests. The staff also uses redaction software.
2. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?
Occasionally. The Principal Agency FOIA Officer meets more often with the Chief FOIA Officer.
3. Do your FOIA professionals work with your agency's Open Government Team?
The Principal Agency FOIA Officer meets with the Team as well as provides input when appropriate. Other FOIA staff provides input to members of the team as well.

4. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration.

The Principal Agency FOIA Officer tracks the monthly statistics regarding the processing of all FOIA requests to ensure offices are meeting their goals and any issues with caseload are not attributed to staffing. Offices provide information regarding their caseload, issues with processing, etc, as well as steps they are taking to mitigate further issues. FOIA staffing to support the program and ensure success is a priority for NASA management. NASA is developing a FOIA handbook as well as internal policies to ensure all FOIA Centers have delegated a FOIA Officer and a FOIA backup. NASA has incorporated annual FOIA training for the program staff.

5. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

The FOIA staff collaborates on Agency-wide requests as well as requests sent to only a few Centers. The FOIA staff have regularly scheduled monthly VITS (video-conferencing) meetings to discuss outstanding requests, processing issues, etc. FOIA staff are sent auto-generated messages when requests are near the due date.

Section III: Steps Taken to Increase Proactive Disclosures

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2011 to March 2012). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

6. Has your agency added new material to your website since last year?

Yes. The NASA FOIA Office is located within the Office of Public Affairs, which has received accolades for the many proactive approaches to providing the public with Agency information. NASA remains one of the top-rated Agencies for advancement in the use of technology, providing proactive releases of information on the website, through Public Affair channels in new releases, blogs, tweets, etc.

7. Provide examples of the records, datasets, videos, etc., that have been posted this past year.

NASA posts a variety of records from current hot topics, contracts, records that provide background information on events in the news, Agency oversight, and new initiatives reports, contracts, documents, etc.

8. Describe the system your agency uses to routinely identify records that are appropriate for posting.
NASA does not have a 'system' to routinely identify records appropriate for posting. Instead, the FOIA staff will post or have posted documents of public interest; documents the Agency believes may be of public interest, newsworthy events, etc. NASA Centers also have websites with extensive program and project information.
9. Beyond posting new material, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities, providing explanatory material, etc?
Yes. Outside of the FOIA sites, NASA has a superb record of providing tools for the public to access a wide-variety of information as well as participate in providing feedback, social media websites, etc. NASA routinely provides the public with information regarding programs, projects, as well as educational tools for all age-groups. The consistently public-centric sites, as well as the forums for discussion have contributed to reducing the number of FOIA requests.
10. Describe any other steps taken to increase proactive disclosures at your agency.
Pro-active disclosures are increased through NASA public forums, posting of information on the NASA websites, pro-active news media, etc. NASA uses a host of tools to interact with the public on a daily basis, ultimately reducing the need for the public to submit FOIA requests for information.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. In 2010 and 2011, agencies reported widespread use of technology in handling FOIA requests. For 2012, the questions have been further refined and now also address different, more innovative aspects of technology use.

11. *Electronic receipt of FOIA requests:*
12. Can FOIA requests be made electronically to your agency?
Yes
13. If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?
Yes
14. *Online tracking of FOIA requests:*

15. Can a FOIA requester track the status of his/her request electronically?

Not at this time.

16. If not, is your agency taking steps to establish this capability?

We are working toward it.

17. *Use of technology to facilitate processing of requests:*

18. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

Yes.

19. If so, describe the technological improvements being made.

NASA FOIA Staff utilize a document-sharing platform.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests and appeals. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2011 Annual FOIA Report.*

Section VII. A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

20. Does your agency utilize a separate track for simple requests?

Yes.

21. If so, for your agency overall, for Fiscal Year 2011, was the average number of days to process simple requests twenty working days or fewer?

No

22. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?

No

Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals," show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2011 as compared to Fiscal Year 2010. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C. (5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 2010 and Fiscal Year 2011 should be used for this section.

23. If your agency had a backlog of requests at the close of Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?

Yes. The FOIA backlog in FY11 was 34 compared to 117 in FY 10.

24. If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?

Yes

25. In Fiscal Year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010?

Nine of the ten (The one outstanding case of the 'ten oldest' cases is being re-processed.)

26. In Fiscal Year 2011, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010?

Yes

27. If you answered "no" to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

Request Backlog:

- a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

NA – the NASA FOIA Backlog was reduced significantly.

- b. Was the lack of a reduction in the request backlog caused by a loss of staff?

NA

- c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

NA

- d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

NA

Administrative Appeal Backlog:

- e. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

NA

- f. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

NA

- g. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?
NA
- h. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?
NA

All agencies should strive to both reduce any existing backlogs or requests and appeals and to improve their timeliness in responding to requests and appeals. Describe the steps your agency is taking to make improvements in those areas. In doing so, answer the following questions and then also include any other steps being taken to reduce backlogs and to improve timeliness.

28. Does your agency routinely set goals and monitor the progress of your FOIA caseload?
Yes

29. Has your agency increased its FOIA staffing?
No

30. Has your agency made IT improvements to increase timeliness?
Yes. All FOIA staff are using the same FOIA tracking system.

31. If your agency receives consultations from other agencies, has your agency taken steps to improve the efficiency of the handling of such consultations, such as utilizing IT to share the documents, or establishing guidelines or agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?
Yes. Other Agencies are now sending consults to the HQ FOIA Office rather than the program offices. The HQ FOIA Office continues to work with Agencies to ensure they send consults to the main FOIA office rather than the Office of General Counsel. This process has allowed the Agency to properly track and process the consults.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

32. Did your agency invoke a statutory exclusion during Fiscal Year 2011?
No.

33. If so, what is the total number of times exclusions were invoked?
NA

Spotlight on Success

34. Out of all the activities undertaken by your agency since March 2011 to increase transparency and improve FOIA administration, describe here one success story that you would like to highlight as emblematic of your agency's efforts.

The NASA Administrator and Deputy Administrator have been very supportive of the FOIA program. Their interest and support has been relayed to the FOIA staff, which provides a positive program atmosphere. The NASA Principal Agency FOIA Officer hosted a NASA day-long FOIA training session, in conjunction with the American Society of Access Professionals Conference in March 2011. The FOIA staff discussed procedural issues, handling specific type requests, collaborative efforts and assisting one-another in processing requests, as well as general issues. This one-day training session, attended by almost all FOIA staff, provided a very successful teambuilding environment.